



Paper No. 5

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NEW YORK NY 10036-2711

In re Application of
Dasseux et al.
Application No. 09/465,718
Filed: December 17, 1999
Attorney Docket No. 9196-018-999

:
: DECISION GRANTING
: PETITION
:

This is a decision on the petition under 37 CFR 1.10(c) filed March 17, 2000, requesting that the above-identified application be accorded a filing date of December 17, 1999, instead of the presently accorded date of December 15, 1999.

Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service, on December 17, 1999. In support, petitioners provided a copy of the Express Mail label, receipt no. EL451593357US, showing a Date-In of December 17, 1999. The same Express Mail receipt number was referred to in the copy of the return postcard receipt submitted with the instant petition. Petitioner requests that the application be accorded a filing date of December 17, 1999.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on December 17, 1999.

In view of the above, the petition is granted.

As a petition under 37 CFR 1.10 is a feeless petition, no petition fee has been or will be charged.

This application will be forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt.

Telephone inquiries concerning this matter should be directed to Petitions Attorney E. Shirene Willis at (703)308-6712.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
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for Patent Examination Policy